

Stipulation

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
A.W. FINANCIAL SERVICES, S.A., as successor :  
in interest to TERTIAIRE INVESTMENT, S.A., :

Plaintiff, :

- against - :

07 Civ. 8491 (SHS)

EMPIRE RESOURCES, INC., AMERICAN :  
STOCK TRANSFER & TRUST CO., and :  
AFFILIATED COMPUTER SERVICES, INC., :

Defendants. :  
-----X

**STIPULATION AND ~~PROPOSED~~ ORDER**

WHEREAS, on March 13, 2008, the Court approved a Stipulation and [Proposed] Order that extended to March 19, 2008, the time for defendant Empire Resources, Inc. ("Empire") to answer or otherwise move with respect to the Complaint herein served by plaintiff A.W. Financial Services, S.A. ("AFS") and the Cross-Claim herein filed by defendant and cross-claimant American Stock Transfer & Trust Co. ("AST"); and

WHEREAS, on March 18, 2008, plaintiff AFS informed defendants that it will file an amended complaint on or before Friday, March 21, 2008;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned counsel and subject to the Court's approval, that Empire's time to answer or otherwise move with respect to the Cross-Claim herein filed by AST has been extended until the same date as defendants have to answer or otherwise move with respect to the forthcoming amended complaint.

07 Civ. 8471 (SHS)

Dated: New York, New York  
March 19, 2008

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*Attorneys for Defendant and Cross-Claim  
Defendant Empire Resources, Inc..*

SO ORDERED:

[Signature]  
Hon. Sidney H. Stein  
United States District Judge

KANE KESSLER, P.C.

By: Jeffrey H. Daichman  
Jeffrey H. Daichman (JD-8802) *with permission*  
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